

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES D. HARRISON,
Petitioner,

No. C 11-931 SI (pr)

ORDER OF DISMISSAL

v.

G. LOUIS, warden,
Respondent.

James D. Harrison, a prisoner at Pelican Bay State Prison, filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Although the form petition he mailed in to commence this action is blank except for the caption and his address on the first page, and the date and signature on the last page, he filed many documents from his state court criminal case as exhibits. It appears that he is attempting to challenge his 1997 conviction from the Alameda County Superior Court. The petition is not his first federal habeas petition concerning his 1997 conviction from the Alameda County Superior Court. His first habeas petition was filed on March 17, 2006, and dismissed as untimely filed on November 20, 2006. See Harrison v. Prunty, N.D. Cal. Case No. C 06-2220 SI.

A second or successive petition may not be filed in this court unless the petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. 28 U.S.C. § 2244(b)(3)(A). Harrison has not obtained such an order from the Ninth Circuit. This court will not entertain a new petition from Harrison until he first obtains permission from the Court of Appeals for the Ninth Circuit to file such a petition.


1 This action is DISMISSED without prejudice to Harrison filing a petition in this court after he
2 obtains the necessary order from the Court of Appeals for the Ninth Circuit.

3 If Harrison wants to attempt to obtain the necessary order from the Ninth Circuit, he
4 should very clearly mark the first page of his document as a "MOTION FOR ORDER
5 AUTHORIZING DISTRICT COURT TO CONSIDER SECOND OR SUCCESSIVE
6 PETITION PURSUANT TO 28 U.S.C. § 2244(b)(3)(A)" rather than labeling it as a habeas
7 petition because the Ninth Circuit clerk's office is apt to simply forward to this court any
8 document labeled as a habeas petition. He also should mail the motion to the Ninth Circuit (at
9 95 Seventh Street, San Francisco, CA 94103), rather than to this court. In his motion to the
10 Ninth Circuit, he should explain how he meets the requirements of 28 U.S.C. § 2244(b).

11 The clerk shall close the file.

12 IT IS SO ORDERED.

13 DATED: June 6, 2011



SUSAN ILLSTON
United States District Judge